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Counsel for Defendant BANKS

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

EDEL BANKS,

Defendant.

No. CR-05-126 CRB

MOTION AND ~~PROPOSED ORDER~~
FOR TEMPORARY MODIFICATION
OF BAIL CONDITIONS PERMITTING
DEFENDANT TO LEAVE HOUSE TO
PICK UP GENERAL ASSISTANCE
CHECK

Date: September 2, 2005

Time: 10:00 a.m.

Court: Honorable Joseph C. Spero

Defendant Edsel Banks hereby respectfully requests this Court to issue an order modifying his bail conditions, which would permitting him to leave his home and cash his General Assistance check, which he must cash personally. Mr. Banks also requests permission to review his Presentence Report with counsel at the Federal Building.

If this request is granted, Mr. Banks is aware that he must leave home, go straight to the bank, and return home forthwith after cashing the check. The same will be true regarding his meeting with counsel to review the Presentence Report.

Assistant United States Attorney Monica Fernandez has been contacted by defense counsel, and has

1 no objection to permitting Mr. Banks to leave home to cash his general assistance check or to visit with
2 counsel to review his Presentence Report on the 19th floor of the federal building.

3 United States Pretrial Services Officer Richard Sarlatte has been contacted by defense counsel
4 regarding this request. Mr. Sarlatte directed undersigned counsel to file a motion with the Court and a
5 proposed order, and to indicate that he did not have an opposition to Mr. Banks cashing his check or
6 meeting with counsel.

7 WHEREFORE, defendant Banks prays that the Court will grant him a furlough to cash his general
8 assistance check under the direction and supervision of Pretrial Services, as well as to visit with counsel to
9 review his Presentence Report.

10 Dated: September 2, 2005

12 Respectfully submitted,

13 BARRY J. PORTMAN
14 Federal Public Defender

16 ELIZABETH M. FALK
17 Assistant Public Defender

18
19 GOOD CAUSE SHOWN, it is hereby ORDERED that the bail conditions of Defendant Edsel Banks
20 be temporarily modified to permit him to cash his general assistance check and meet with counsel to review
21 his Presentence Report, provided that the time he leaves his home and returns is monitored by Pretrial
22 Services.

23
24 Dated: September 2, 2005


25 THE HONORABLE JOSEPH C. SPERO
26 UNITED STATES MAGISTRATE JUDGE